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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,279	03/10/2004	Shmuel Eidelman	000479.00126	9381
22907	7590	07/09/2004	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			ART UNIT	PAPER NUMBER

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF  
COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10-796,279	3-10-04	Eidelman	

EXAMINER

ART UNIT	PAPER NO.
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DATE MAILED: 7-9-04

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## SECRECY ORDER

**For Unclassified Patent Application  
with a DoD Property Interest**

Including:

Permit for Disclosing Subject Matter for Legitimate Business Purposes;  
Permit for Foreign Filing in Certain Countries

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The above-identified patent application discloses subject matter the unauthorized publication or disclosure of which would, in the opinion of the sponsoring defense agency be detrimental to the national security.

**ALL PRINCIPALS<sup>1</sup> IN THIS APPLICATION ARE ORDERED TO KEEP THE SUBJECT MATTER THEREOF IN SECRECY UNDER 35 U.S.C. §181.**

The subject matter of this application may not be published or disclosed to any person except as specifically authorized herein or subsequently authorized by written modification of this Secrecy Order granted by the Commissioner of Patents & Trademarks (see 37 CFR §5.5).

Unauthorized publication or disclosure of the subject matter of this patent application may result in abandonment of the patent application (35 U.S.C. §182) and additionally subject the person publishing or disclosing the subject matter to the penalties of 35 U.S.C. §186.

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<sup>1</sup> "Principals" include all patent applicants, their heirs, assignees, licensees and their attorneys and agents.

## **General Provisions**

Any other patent application already or hereafter filed in the U.S. or any foreign country which contains any significant part of the subject matter of the above-identified patent application also falls within the scope of this Order. If such other patent application is not currently under a Secrecy Order imposed by the U.S. Patent and Trademark Office, it and the common subject matter must immediately be disclosed to the Commissioner of Patents & Trademarks, Washington, D.C. 20231, Attention: Licensing & Review.

This Secrecy Order was recommended to the Patent & Trademark Office by the following defense agency:

( ) ARMY

( ) NAVY

( ) AIR FORCE

Questions pertaining to the basis for imposing this Secrecy Order should be directed to the sponsoring defense agency. A contact for each defense agency is attached.

This Order should not be construed in any way to mean that the U.S. Government has adopted or contemplates adoption of the invention disclosed in this application and it is not any indication of the value of such invention.

## **Safeguarding Provisions**

This application is unclassified, and thus not subject to the provisions of Executive Order 12356, entitled "National Security Information," Executive Order 10865, entitled "Safeguarding of Classified Information Within Industry" or the "Industrial Security Manual for Safeguarding Classified Information." However, since disclosure of the subject matter would be detrimental to the national security, it must be safeguarded under conditions that will provide adequate protection and prevent access by unauthorized persons. When copies of the subject matter are no longer needed, they should be destroyed by any method that will prevent disclosure of the contents or reconstruction of the document. While this Order remains in effect, all communications with the Patent & Trademark Office pertaining to this application must be addressed to the Commissioner of Patents & Trademarks, Wahsington, D.C. 20231, Attention: Licensing & Review. Other questions pertaining to the security safeguarding of this application should be directed to the sponsoring defense agency.

## **Permit for Disclosing Subject Matter for Legitimate Business Purposes**

The principals may disclose, for legitimate business purposes, the subject matter of this patent application to a U.S. citizen or to a person who is both admitted lawfully into the United States for permanent residence and is located in the United States provided the U.S. citizen or person is furnished with a copy of this Secrecy Order and is informed that this Secrecy Order is applicable to the subject matter disclosed. The term "legitimate business purposes" is to be interpreted consistent with 32 CFR Part 250. Legitimate business purposes include selling or producing products for the commercial domestic marketplace, or for the commercial foreign marketplace providing that any required export license is obtained. Legitimate business purposes also include selling or otherwise disclosing technical data to foreign contractors or foreign governments after receiving the required export license or approval by the U.S. Government.

The principals shall notify the Commissioner of Patents and Trademarks if a validated license is obtained from the Office of Export Administration, U.S. Department of Commerce, or a license is obtained from the Director, Office of Defense Trade Controls, U.S. Department of State, under regulations governing the export of technical data (15 CFR §379 of the Export Administration Regulations or 22 CFR §125 of the International Traffic in Arms Regulations).

## **Permit for Foreign Filing in Certain Countries**

The principals are permitted, subject to the conditions stated hereinafter, to file and prosecute a corresponding application for patent in each of the following countries: Australia, Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Italy, Japan, Korea, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Turkey and the United Kingdom.

The papers for each foreign application and its prosecution shall be transmitted to the sponsoring agency, identified herein, for forwarding through diplomatic channels for filing in the foreign country either directly by the principals or through the principals' foreign patent attorney or agent if authorized by the foreign government. Correspondence exclusively relating to payments of taxes and fees need not be sent through the sponsoring agency and diplomatic channels provided that such correspondence contains no information pertaining to the subject matter of the above-identified application.

International reciprocal agreements providing for the filing of patent applications under a Secrecy Order in the above-identified countries require the principals to furnish to the sponsoring agency identified herein (in addition to the papers to be filed in the foreign patent office) a copy of the specification (including any drawings annexed thereto, any resume and the claims included in the patent application) filed in the patent office of the foreign country. This copy will be furnished to the appropriate defense agency of the foreign government for information only and without prejudice to any rights of the principals. The filing date and serial number of the patent application should also be furnished to the sponsoring agency.

The principals shall request the foreign patent office to place in secrecy the foreign patent applications corresponding to the above-identified application and shall furnish a copy of this Secrecy Order and permit with the first papers to be filed in the foreign patent office.

The use of this permit to file in a foreign country shall constitute a waiver, unless otherwise required by international agreements, of any claim to compensation for loss or damage due solely to the imposition of secrecy or similar treatment of the invention. Belgium, France, the Federal Republic of Germany, the Netherlands, Norway, Turkey and the United Kingdom normally require a separate document confirming such a waiver.

In the case of Japan, the applicant shall ensure in its contract with its patent attorney that the patent attorney shall submit to the Japanese Patent Office a certified copy of this Secrecy Order and Permit. The submission of this permit to the Japanese Patent Office is considered notification to the Government of Japan of the Secrecy Order status of the above-mentioned application and a corresponding Japanese application will be considered an Agreement Application referred to in paragraph 3(a) of the Protocol to the 1956 United States-Japan Agreement.



Michael Carone,  
Licensing & Review Administrator  
U. S. Patent & Trademark Office

## DEFENSE AGENCY CONTACT LIST

Army: Diane Winters  
US ARMY PATENT, COPYRIGHTS & TRADEMARKS DIVISION  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
901 NORTH STUART ST.  
ARLINGTON, VA 22203-1837  
703-696-8113

NAVY: DAVE SPEVACK  
OFFICE OF THE CHIEF OF NAVAL RESEARCH  
INTELLECTUAL PROPERTY LAW DIVISION  
ATTN: (O OCC 12)  
800 NORTH QUINCY STREET  
ARLINGTON, VA 22217-5000  
703-696-4007

AIRFORCE: TOM KUNDERT  
AFMC LO/JAZ  
2240 B STREET, ROOM 100  
WRIGHT-PATTERSON AFB, OH 45433-7109  
937-255-2838

DTRA: PETER SULLIVAN  
400 ARMY NAVY DRIVE  
SUITE 300  
ARLINGTON, VA 22202  
703-604-5215

DOE: BETTY WINCHESTER  
U.S. DEPARTMENT OF ENERGY  
OFFICE OF THE ASSISTANT GENERAL  
COUNSEL FOR PATENTS (GS-42)  
1000 INDEPENDENCE AVENUE, SW  
WASHINGTON, DC 20585  
202-586-2810



DEPARTMENT OF THE AIR FORCE  
AIR FORCE MATERIEL COMMAND LAW OFFICE (AFMC)  
WRIGHT-PATTERSON AIR FORCE BASE OHIO

July 8, 2004

MEMORANDUM FOR COMMISSIONER OF PATENTS AND TRADEMARKS  
U.S. PATENT AND TRADEMARK OFFICE  
ATTN: SECURITY GROUP, LICENSING AND REVIEW  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

FROM: AFMC LO/JAZ  
2240 B Street, Room 100  
Wright-Patterson AFB, OH 45433-7109

SUBJECT: Request for Secrecy Order

The following identified application has been examined by the Air Force, under the provisions of 35 U.S.C. 181.

U.S. Patent Application Serial No. 10/796,279

Filed: 03/10/2004

Inventor(s): Eidelman

Prosecuted by  Govt.  Contractor  Unknown Party

This is to notify you in accordance with the above examination that the publication or disclosure of the invention by the granting of a patent therefor would be detrimental to the national security. It is accordingly requested that you order the invention be kept secret and withhold the grant of a patent for such period as the national interest requires.

It is further requested that the following Secrecy order issue

Secrecy Order and Permit for Foreign Filing in Certain Countries  
DOD Property Interest/Unclassified export restricted subject matter

Secrecy Order and Permit for Disclosing Classified Information  
Level of Classification \_\_\_\_\_

Secrecy Order - It is further requested that this Secrecy Order issue with  
 Permit A (PTO 229)  
 No Permit

PAMELA J. MILLS  
Legal Instruments Examiner  
Directorate of Intellectual Property Law